

11-2-05

551793

PCT/JP2004/004209

## PATENT COOPERATION TREATY



## PCT

 INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Translation

Applicant's or agent's file reference MS190001	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/004209	International filing date (day/month/year) 25 March 2004 (25.03.2004)	Priority date (day/month/year) 27 March 2003 (27.03.2003)
International Patent Classification (IPC) or national classification and IPC G02B 21/34, C12M 1/34		
Applicant EFFECTOR CELL INSTITUTE INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising: <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows:             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> </li> <li>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ul>	
4. This report contains indications relating to the following items: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the report</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>	

Date of submission of the demand 24 September 2004 (24.09.2004)	Date of completion of this report 08 June 2005 (08.06.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/004209

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-18 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* 12,14-16 received by this Authority on 24 September 2004 (24.09.2004)
- pages\* 7-10 received by this Authority on 21 April 2005 (21.04.2005)
- ☒ the drawings:
- pages \_\_\_\_\_ 1-18 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. \_\_\_\_\_ 1-6,11,13 \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP04/004209

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	7-10, 12, 14-16	YES
	Claims		NO
Inventive step (IS)	Claims	7-10, 12, 14-16	YES
	Claims		NO
Industrial applicability (IA)	Claims	7-10, 12, 14-16	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

Document 1: JP, 9-61360, A (Mitsubishi Cable Industries, Ltd.), 7 March, 1997 (07.03.97), [0023]-[0028], [0031]-[0036], Figs. 1 and 2 (Family: none)

The above document describes a water microscope wherein a light-reflecting plate 24 is provided opposite a lens part 8 of an imaging camera 4 with a water passage 20 in between so that microorganisms in the water passage 20 can be observed.

Document 2: JP, 2001-228404, A (Nikon Engineering Co., Ltd.), 24 August, 2001 (24.08.01), [0009]-[0011], [0020], [0022], Fig. 1 (Family: none)

The above document describes an incident-light microscope wherein illuminating light is irradiated on a probe (specimen) 102a through an object lens 112, wherein the illuminating light that has passed the said probe is returned to the said object lens by means of a reflecting member 105 disposed after the probe.

Document 3: JP, 9-51792, A (K.K. Hidan), 25 February, 1997 (25.02.97), [0001], [0002], [0004], [0006], Fig. 1 (Family: none)

The above document describes a microorganism-culture observation device wherein a flow passage is formed.

Document 4: JP, 5-27179, A (Fuji Photo Film Co., Ltd.), 5 February, 1993 (05.02.93), [0004], [0005], [0016]-[0018], Fig. 1 (Family: none)

The above document describes a scanning microscope with an object lens 17 in a light-sending optical system that has a smaller numerical aperture than an object lens 19 of a light-receiving optical system.

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of: V

Document 5: JP, 7-98319, A (Beckman K.K.), 11 April, 1995 (11.04.95), full text, all drawings (Family: none)  
Document 6: JP, 3056680, U (Hisao Kataoka), 2 December, 1998 (02.12.98), full text, all drawings (Family: none)

The constitution of a structure for containing an object to be observed wherein a recess is provided is well known as shown, for example, in the above documents.

However, the feature wherein the distance between an object under observation and a reflection plane is less than half of the depth of focus of the optical system to make it easy to observe extremely small transparent bodies, is neither described in any of documents 1-6, nor obvious from the descriptions in them.